

## REVIEW OF SEX OFFENDER ACCOUNTABILITY LEGISLATIVE ISSUES

Proposed legislation will:

- ☒ Post photographs for all sex offenders.
- ☒ Amend definition of sexually violent predator to include offenders who commit sex offense against a child who is 12 or younger.
- ☒ Allow public dissemination for juvenile offenders classified as sexual offenders after 21<sup>st</sup> birthday.
- ☒ Amend law to require registration of juveniles who are adjudicated of a sex offense, unless the court makes certain findings and relieves them of the duty to register.
- ☒ Define the term "residence."
- ☒ Registration provisions for homeless/transient (adapted from CA and WA law).
- ☒ Strengthen community notification provisions.
- ☒ Amend law to require registration for reasonably equivalent conviction in tribal court.
- ☒ Require offenders convicted of failure to register as a sex offender to submit to a psychosexual evaluation.
- ☒ Enhanced supervision/mandatory probationary term for tier level 3 offenders who commit an offense against a child.
- ☒ (F) Shortens from 10 days to 3 business days the time within which an offender has to register upon entering a county of the state or provide notice of change of address.
- ☒ (F) Requires sexual offenders to appear in person to provide registration verification or change of address information (present law allows this to be done by mail). Section 113 & 116.
- ☒ (F) Requires level II offenders to verify registration every 180 days (versus previous requirement of annual verification). Section 116.
- ☒ (F) Changes minimum length of registration for level II offenders to 25 years (currently level II offender can petition for relief from registration after 10 years). Section 115.

- ☑ (F) In addition to current requirement of notification for change of address, requires offenders to provide in person notification of change in name or student or employment status. Section 113.
- ☑ (F) Requires mandatory collection of certain offender information (exceeds the scope of what is currently collected). Section 114.
- ☑ Include retroactivity provision to clarify these changes as well as 2005 legislation apply retroactively.

Topics for further discussion:

- ◇ Additional penalty for use of "date rape" or other substance in furtherance of commission of sex crime.
- ◇ (F) Requires mandatory dissemination of certain offender information if offense was committed against a minor and requires mandatory dissemination of certain offender information through the internet. Section 118.
- ◇ (F) Requires mandatory community notification program (requires each jurisdiction to affirmatively notify broad group of criminal justice, social services and volunteer organizations of any change of registration information). Section 121.
- ◇ (F) Requires jurisdictions to conform tier level designations to federal definitions which are offense rather than risk based. Section 111.

Jessica's law provisions that MT law already has:

- ⊙ Elimination of use of good time credits for violent sexual offenders.
- ⊙ GPS tracking of level 3 offenders.
- ⊙ Offender may be designated a sexually violent predator after one offense.
- ⊙ Possession of child pornography is a felony (MT actually stronger than JL's which makes child pornography alternate misdemeanor/felony).
- ⊙ Law prohibits any contact or communication with minor for purpose of engaging in sexual abuse or contact.
- ⊙ Law allows law enforcement to pose as decoy in order to engage and capture internet predators.